IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

Crl.Rev.Pet.No. 3676 of 2006()

CRA.397/2004 of ADDL.SESSIONS COURT (FAST TRACK)III, TRIVANDRUM
CC.327/2003 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, ATTINGAL

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REVN. PETITIONER: APPELLANT/ACCUSED

JYOTHIKUMAR,
S/O.SUKUMARA PILLAI, PAYEKKAVILA VEEDU,
KUDAVOOR P.O., MELTONNAKKAL VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.V.ANIL

RESPONDENTS: COMPLAINANT AND STATE

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1. MANIKANTAN, S/O.PURUSHOTHAMAN PILLAI,
KUDAVOOR, MELTHONNAKKAL VILLAGE,
THIRUVANANTHAPURAM.

2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl.R.P.No.3676 of 2006

Dated this the 20th day of November, 2006

ORDER

The petitioner, accused in C.C.No.327/2003 on the file of the court of the Judicial Magistrate of First Class II- Attingal, was convicted for the offence under Section 138 of the Negotiable Instruments Act. The trial court sentenced him to undergo simple imprisonment for a period of three months and to pay a compensation of Rs. 53,000/- and in default of payment of compensation, to undergo simple imprisonment for 3 weeks. The petitioner challenged the conviction and sentence in Crl.Appeal No.397/2004. The appellate court allowed the appeal in part, confirmed the conviction and modified the sentence, imposing a sentence for imprisonment till the rising of the court. The direction to pay compensation of Rs.53,000/- was modified as compensation of Rs.50,000/- and in default of payment, the petitioner was directed to undergo simple imprisonment for a period of three months.

2. The learned counsel for the petitioner submits that

the petitioner is prepared to pay the compensation. But at present, due to the financial difficulties, he is not able to pay the compensation within a short time. The counsel submits that three months' time may be granted to the petitioner to pay the compensation amount. The request is reasonable and, therefore, it is allowed.

In the light of what is stated above, the conviction and sentence are confirmed. However, the petitioner is granted three months' time to pay the compensation amount. The petitioner shall appear before the trial court on 19th December, 2006 for undergoing the imprisonment till the rising of the court and shall also appear on such date as may be directed by the trial court till the compensation amount is paid. It is made clear that the execution of the default sentence in respect of the compensation shall be kept in abeyance for a period of three months.

K.T.SANKARAN,
JUDGE

csl

M.F.A. No. 329/2002B

J.B.KOSHY&M.N.KRISHNAN,JJ

JUDGMENT
Dated this the 9th November, 2006